

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 CAROL S. ROMEO, State Bar No. 124910  
Deputy Attorney General  
4 1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
5 Oakland, CA 94612-0550  
Telephone: (510) 622-2141  
6 Facsimile: (510) 622-2270

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-321

12 LORANE MARY TAVLIAN  
A.K.A. LORANE TAVLIAN  
13 3378 Brittan Avenue, #3  
San Carlos, California 94070  
14 Registered Nurse License No. 495803

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1993, the Board of Registered Nursing issued  
23 Registered Nurse License Number 495803 to Lorane Mary Tavlian, also known as Lorane  
24 Tavlian (Respondent). The Registered Nurse License was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on May 31, 2009, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing  
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

## 2 STATUTORY PROVISIONS

3 4. Section 2750 of the Code provides, in pertinent part, that the Board may  
4 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
5 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of  
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
8 against the licensee or to render a decision imposing discipline on the license. Under section  
9 2811(b) of the Code, the Board may renew an expired license at any time within eight years after  
10 the expiration.

11 6. Section 2761 of the Code states, in pertinent part, that "[t]he board may  
12 take disciplinary action against a certified or licensed nurse or deny an application for a  
13 certificate or license for any of the following:

14 "(a) Unprofessional conduct . . . .

15 . . .

16 "(f) Conviction of a felony or of any offense substantially related to the  
17 qualifications, functions, and duties of a registered nurse, in which event the record of the  
18 conviction shall be conclusive evidence thereof."

19 7. Section 2762 of the Code states, in pertinent part, that "[i]n addition to  
20 other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing  
21 Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of  
22 the following:

23 . . .

24 "(b) Use any controlled substance as defined in Division 10 (commencing with  
25 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
26 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
27 injurious to himself or herself, any other person, or the public or to the extent that such use  
28 impairs his or her ability to conduct with safety to the public the practice authorized by his or her

1 license.

2 "(c) Be convicted of a criminal offense involving the prescription, consumption,  
3 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
4 section, or the possession of, or falsification of a record pertaining to, the substances described in  
5 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
6 thereof."

7 8. Section 490 of the Code states, in pertinent part, that "[a] board may  
8 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the  
9 crime is substantially related to the qualifications, functions, or duties of the business or  
10 profession for which the license was issued. A conviction within the meaning of this section  
11 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
12 which a board is permitted to take following the establishment of a conviction may be taken  
13 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,  
14 or when an order granting probation is made suspending the imposition of sentence, irrespective  
15 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

16 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
17 request the administrative law judge to direct a licensee found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case.

#### 20 FIRST CAUSE FOR DISCIPLINARY ACTION

##### 21 (Substantially Related Conviction)

22 10. Respondent is subject to disciplinary action under sections 2761(f) and  
23 490 of the Code in that she was convicted of a crime substantially related to the qualifications,  
24 functions or duties of a registered nurse in that on or about May 8, 2007, in the Superior Court of  
25 California, County of San Mateo, Case Number SM349949A, entitled *The People of the State of*  
26 *California v. Lorane Mary Tavlian*, Respondent was convicted by the court on her plea of nolo  
27 contendere of violating section 23152(b) of the Vehicle Code (driving with a blood alcohol  
28 content of .08% and more), a misdemeanor, and admitted an enhancement pursuant to Vehicle

1 Code section 23578 (driving while having a blood alcohol content of .15% or higher). On or  
2 about May 8, 2007, Respondent admitted that she had a prior conviction on July 6, 2001, in the  
3 Superior Court of California, County of San Mateo, Case No. SM313241, of violating Vehicle  
4 Code section 23152(b) (driving with a blood alcohol content of .08% and more). Respondent  
5 also admitted that she had another prior conviction on January 4, 2002, in the Superior Court of  
6 California, County of Mendocino, Case No. 0146223 of violating Vehicle Code section 23152(b)  
7 (driving with a blood alcohol content of .08% and more). On or about July 10, 2007, pursuant to  
8 the conviction, the imposition of sentence was suspended and Respondent was placed on  
9 supervised probation for a period of three (3) years on terms, which included, but were not  
10 limited to, the following:

11 a. Obey all laws; serve 8 months in county jail, with 14 days to be served  
12 concurrently in lieu of paying a fine, an additional 30 days to be served in county jail, and  
13 Respondent allowed to serve indicated jail time in a residential treatment program; enroll in and  
14 successfully complete Multiple Offender Program as directed by the Probation Department; do  
15 not drive with any alcohol in system; do not drive without California's Driver's License and  
16 Insurance in effect; submit to an alcohol use test whenever directed by a probation officer and/or  
17 peace officer; and Respondent to participate in any education, rehabilitation, or treatment  
18 program as directed by Probation officer.

19 11. The factual circumstances surrounding said conviction are as follows:

20 a. On January 30, 2007, in Redwood City, California, Respondent was driving  
21 under the influence of alcohol with a blood alcohol content of between .310% and .313%. On  
22 that date, Respondent's vehicle, a white Ford Tempo, collided with a parked vehicle owned by  
23 J. H.<sup>1</sup> Thereafter, Respondent attempted to flee the scene, but was prevented from doing so  
24 by J. H. who hurriedly arrived on the scene after hearing the collision, and the arrival of the  
25 police.

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1. The victim in this case will be referred to by initials only in order to preserve confidentiality.

1                                    SECOND CAUSE FOR DISCIPLINARY ACTION

2                                    (Conviction of a Crime Involving Alcohol)

3                                    12.     The allegations of paragraphs 10 and 11 are hereby realleged and  
4 incorporated by reference as if fully set forth.

5                                    13.     Respondent is subject to disciplinary action under section 2761(a) of the  
6 Code on the grounds of unprofessional conduct as defined by Code section 2762(c), in that on or  
7 about May 8, 2007, Respondent was convicted of a crime involving the consumption of alcoholic  
8 beverages, as set forth above in paragraphs 10 and 11.

9                                    THIRD CAUSE FOR DISCIPLINARY ACTION

10                                   (Use of Alcohol to a Dangerous Extent)

11                                   14.     The allegations of paragraph 11 are hereby realleged and incorporated by  
12 reference as if fully set forth.

13                                   15.     Respondent is subject to disciplinary action under Code section 2761(a) on  
14 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about  
15 January 30, 2007, Respondent used and was under the influence of alcoholic beverages, while  
16 driving a vehicle in Redwood City, California, to an extent dangerous or injurious to herself and  
17 the public.

18                                   FOURTH CAUSE FOR DISCIPLINARY ACTION

19                                   (Substantially Related Conviction)

20                                   16.     Respondent is subject to disciplinary action under sections 2761(f) and  
21 490 of the Code in that she was convicted of a crime substantially related to the qualifications,  
22 functions or duties of a registered nurse in that on or about July 6, 2001, in the Superior Court of  
23 California, County of San Mateo, Case Number SM313241, entitled *The People of the State of*  
24 *California v. Lorane Mary Tavlian*, Respondent was convicted of violating section 23152(b) of  
25 the Vehicle Code (driving with a blood alcohol content of .08% and more), a misdemeanor.

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1 FIFTH CAUSE FOR DISCIPLINARY ACTION

2 (Substantially Related Conviction)

3 17. Respondent is subject to disciplinary action under sections 2761(f) and  
4 490 of the Code in that she was convicted of a crime substantially related to the qualifications,  
5 functions or duties of a registered nurse in that on or about January 4, 2002, in the Superior Court  
6 of California, County of Mendocino, Case Number 0146223, Respondent was convicted of  
7 violating section 23152(b) of the Vehicle Code (driving with a blood alcohol content of .08% and  
8 more), a misdemeanor.

9 PRAYER


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 495803, issued  
13 to Lorane Mary Tavlian (Respondent).

14 2. Ordering Respondent to pay the Board of Registered Nursing the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3.

17 3. Taking such other and further action as deemed necessary and proper.  
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19 DATED: 5/22/08  
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21   
22 RUTH ANN TERRY, M.P.H., R.N.  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant